

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SOFIENE ROMDHANI, MICHELLE
MALONEY, and BOBBI JOE ZELLER,

Plaintiffs,

v.

EXXON MOBIL CORPORATION,

Defendant.

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) Civil Action No. 07-715 (JJF)
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**DEFENDANT EXXON MOBIL CORPORATION'S
MOTION TO DISMISS AND TO STRIKE**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Exxon Mobil Corporation ("ExxonMobil") hereby moves to dismiss Counts VII, VIII, and IX of the Complaint on the ground that Plaintiff Sofiene Romdhani has, in those counts, failed to state claims upon which relief can be granted.

In addition, pursuant to Fed. R. Civ. P. 12(f), Defendant ExxonMobil in addition hereby moves to strike paragraphs 40, 50, 51, 69, 70, 71, 75, 76, and 77 of the Complaint as immaterial and prejudicial to the Defendant. The grounds for this motion are set forth in Defendant Exxon Mobil Corporation's Opening Brief in Support of Its Motion to Dismiss and to Strike, filed simultaneously herewith.

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Dated: December 20, 2007
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CERTIFICATE OF SERVICE

I hereby certify this 20th day of December that the foregoing was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the following counsel of record that the document is available for viewing and downloading from CM/ECF:

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ORDER

The Court having considered Defendant Exxon Mobil Corporation's Motion to Dismiss and to Strike, it is hereby **ORDERED** that the Motion is **GRANTED**, and that:

1. Counts VII, VIII, and IX of the Complaint are dismissed;
2. Paragraphs 40, 50, 51, 69, 70, 71, 75, 76, and 77 shall be stricken from the Complaint; and
3. Within 10 days of the date of this Order, Plaintiffs shall file an Amended Complaint consistent with the terms of this Order.

SO ORDERED, this ____ day of January, 2008.

Joseph J. Farnan, Jr.
United States District Judge